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California League of Conservation Voters
California Sportfishing Protection Alliance
Clean Water Action
DeltaKeeper
Environmental Defense Fund
League of Women Voters of California
Natural Resources Defense Council
The Bay Institute

October 28, 1997

by fax, email and first class mail

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Water Quality Technical Workgroup
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RE: Comments on the Draft Water Quality Component (August 1997)

Thank you for the opportunity to comment on the Draft Water Quality Component (August 1997). In addition to this letter, you will find included preliminary comments prepared for the Environmental Water Caucus by Inge Werner, Ph.D., and other supporting documents.

In our view, the Water Quality Program (WQP) Component Draft report while acceptable as a first look falls far short of articulating the comprehensive vision for improving water quality in the delta and for beneficial uses of delta water throughout California. Improvement of water quality is one of CALFED's principal objectives, and deserves full treatment. The draft does not provide adequate context for the water quality problems or a statement of relative priority, contains numerous significant data gaps, provides an overly narrow range of action strategies, and needs a clearer statement of how the program will be implemented, funded, and assured.

Strengthen, don't weaken enforcement of existing standards.
We are concerned by statements made in the Executive Summary (E-6) and Section 5 (5-1) regarding whether "existing standards are appropriate... and what level of exceedance is relevant...". In our view, the CALFED program is compelled to at least maintain if not improve upon current water quality standards for the delta (including but not limited to Vernalis, X2, export/inflow ratio) not lower these as was considered earlier this year (April 25) by the CALFED Management Team, as part of the Operations plan. As we have noted earlier (April 29 letter from TBI, EDF, NRDC, and SSFBA to CALFED Management Team) such relaxation of standards disregards the provisions of the Clean Water Act, the Endangered Species Act, and the Bay Delta Accord. We also have not been able to fully analyze the impact of the proposed California Toxics Rule on CALFED and would like to see this more thoroughly discussed in the next iteration of the WQP. Comments made to EPA on the proposed rule by Communities for a Better Environment (9/24/97) are included here as an attachment to suggest some of our initial concerns.

Set priorities for evaluation and action.
We strongly encourage CALFED to employ some kind of systematic ranking scheme to assess the most important water quality issues. If this is the idea behind the Action strategies section, then the

supply intakes to areas that are not influenced by those discharges" implying a mandate for an isolated facility with an upstream intake! Since this method is only considered in some of the alternatives, by definition its not a "common program". Further this method is inconsistent with the overall CALFED approach of balancing multiple goals by advancing source replacement while sacrificing ambient water quality in the delta and ignoring the potential of source water protection measures.

Clearly there are other methods (some even listed in the two action items which precede this one) for controlling these contaminants such as increasing freshwater inflows, treating in-delta ag wastewater near to the pumps, better source control for pathogens (from grazing, feedlots and dairies), and the creation of natural pollutant filtration systems (wetlands, meander corridors, and forested areas along streams throughout the watershed). These should be more prevalent in the action strategies. The action strategies for drinking water quality could also pursue making improvements to source water from watersheds outside the delta, to upgrade drinking water quality for many delta water users. For instance, could additional treatment and/or source protection of groundwater or Colorado River water improve water quality significantly when "blended" with water from the delta?

Why has CALFED singled out drinking water quality standards as the only area where the CALFED solution will address future standards. We are strong advocates of safe drinking water and strict health protective standards but our understanding is that EPA's rulemaking process for microbial contaminants and disinfection by products under the 1996 amendments to the SDWA is still in the early stages. We also understand that the rule will be made after considerable research (yet to be done) both in the development of treatment technologies and in source control measures and source water protection improvements. The WQP implies that these future standards can not be met without the relocation of intakes and their attendant conveyance facilities. At minimum, this is premature speculation, at worst it is driving a common program which is to bridge all alternatives toward a single outcome. Such a path clearly overlooks what could be more cost effective means of achieving better drinking water quality. Additionally some of the performance targets listed appear to be more stringent than is likely under the Stage 1 D/DBP rule and should be lowered. Hence, the ability of delta water to meet these more likely standards should be reassessed.

Significant issues have been overlooked or inadequately reviewed.
We would also like to note some gaps in the report with regard to what we believe may be significant water quality impacts and beneficial uses which have been overlooked or under evaluated.

These include but are not limited to the following:

- The impact of the contamination of fish by pathogens, metals and pesticides is seriously undervalued in this report by the assumption that fish are consumed only by recreational fishers. There is a considerable amount of **subsistence fishing in delta waters**. Subsistence anglers eat as much as a pound of fish/ shellfish per day, considerably higher than the 1/7 lb per day standard used for recreational fishing. **Bioaccumulation of toxins** is inadequately addressed even though this problem is well documented (e.g. mercury). The WQP needs to have action strategies to address this issue.
- The impacts of **agricultural wastewater entering the California Aqueduct**, via drain inlets in the San Luis Canal, not addressed (1995 DWR Water Quality Assessment of Floodwater Inflows in the San Luis Canal) as a drinking water quality issue. Surely these sources of salts, metals and

organic compounds have a significant impact on water quality for Southern California users.

- **Recreational boating** degrades water quality by contributing significant quantities of sewage, motor oil and MTBE especially from 2-stroke engines.
- Exposure to **pathogens associated with contact recreation** in the delta is not adequately documented or evaluated.
- **Industrial Discharges** are not enumerated or discussed thoroughly for potential wastewater impacts. Also included here should be an analysis of "spill hazards" by commercial vessels moving up the delta to Sacramento and Stockton.
- **Silvicultural Operations** are a major source of sediment loading in upper watersheds. CALFED should consider modifications to Timber Harvest Permits and other controls (buffers, cutting limits, harvest practices, revegetation) to protect source water in logging areas.
- **Pesticides, Dioxins, PAH's** are under represented or absent in terms of potential impacts. The use of pesticides, especially those that cause cancer have risen dramatically in the past five years (Rising Toxic Tide- Californians for Pesticide Reform, August 1997, also comments from CBE enclosed). If the data is unavailable, the research should be made a high priority.
- **Illegal Methamphetamine Labs**, according to the SF Chronicle (10/6/97), have become the #2 hazardous waste problem in the state. Each pound of meth results in 7 pounds of carcinogenic, toxic red sludge which may be getting dumped routinely into Delta waters. CALFED should coordinate with EPA and local law enforcement to ascertain the extent of meth production on house boats/ Delta islands-- especially given that San Joaquin, Sacramento, and Contra Costa counties are in the top 6 counties with the most meth labs.
- WQ impacts to users **outside the Delta**? How will CALFED address the mercury problem associated with the North Bay Aqueduct? What about water quality degradation for area of origin users who may have to substitute water sources though conjunctive use or other water supply programs?
- Water quality impairments to beneficial uses of the **San Francisco Bay**, associated with proposed CALFED programs in the Delta, aren't mentioned at all--a serious oversight.

We hope that future iterations of the WQP will reflect more breadth and depth of focus and look forward to working through these issues with you in the coming months.

Attachments:
Specific Technical Comments Draft by Inge Werner 10/21/97
Letter from DeltaKeeper 5/29/97
Letter from EDF, NRDC, TBI, SSFBA to CALFED Mgmt Team 4/29/97
Comments of CBE on the California Toxics Rule 9/24/97
Executive Summary Rising Toxic Tide -Californians for Pesticide Reform 8/97

On behalf of the undersigned organizations,

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